

AMENDED IN SENATE JULY 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1222

Introduced by Assembly Member Montanez

February 21, 2003

An act to amend Section 5627 of the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as amended, Montanez. Parks and recreation: Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act.

The existing Roberti-Z'berg-Harris Open-Space and Recreation Program Act provides for grants to cities, counties, and districts, as defined, for purposes related to parks and recreation. The act requires cities, counties, and districts receiving grants to provide *local* matching money, as specified, and states circumstances under which matching money is not required.

This bill would ~~delete the requirement that cities, counties, and districts receiving grants provide matching money~~ *provide that the local matching money requirement does not apply to grants from funds made available pursuant to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5627 of the Public Resources Code is amended to read:

5627. (a) Grant moneys received pursuant to this chapter shall be expended for high priority projects that satisfy the most urgent park and recreation needs, with emphasis on unmet needs in the most heavily populated and most economically disadvantaged areas within each jurisdiction.

(b) Grants received pursuant to this chapter shall be expended only for acquisition, or development, or both, except that not more than 30 percent of the amount received by a city, county, or district in an annual period may be utilized for special major maintenance projects, provided the projects are related to land acquired or developed, or both, in whole or in part, with state moneys under this chapter, or for innovative recreation programs, or for both.

(c) *Grants to cities, counties, and districts pursuant to this chapter shall be on the basis of 70 percent state money and 30 percent local matching money, not less than one-third of which shall be from private or nonstate sources of funds, for the project. Grants for acquisition shall be matched only by money or property donated to be part of the acquisition project. Grants for development may be matched by monetary contributions or, if nonmonetary contributions, as provided in regulations and standards which shall be established by the director after a public hearing. The component of local matching money consisting of funds from private or nonstate sources may, at the option of the grant recipient, be calculated as a percentage of the total amount granted in that fiscal year to a grant recipient, rather than on a project-by-project basis.*

(d) *The component of local matching money from private or nonstate sources required by subdivision (c) may be in the form of and include, but is not limited to, the following: cash donations, gifts of real property, equipment, and consumable supplies, volunteer services, free or reduced-cost use of lands, facilities, or equipment, and bequests and earnings from wills, estates, and trusts. Funds from nonstate sources that qualify for the purposes of subdivision (c) are funds from the federal government and local public agencies other than the grant recipient. Real property, cash, or other assets required to be transferred to a public agency*

1 pursuant to Section 66477 of the Government Code or any other
2 provision of law may not qualify as funds from a private or nonstate
3 source; however, they shall qualify as the monetary or
4 nonmonetary contribution required to be furnished by the grant
5 recipient pursuant to subdivision (c).

6 (e) The grant recipient shall certify to the department that there
7 is available, or will become available prior to the encumbrance of
8 any state funds for any work on the project for which application
9 for a grant has been made, matching money from private or
10 nonstate sources. Certification of the source and amount of
11 nonstate funds shall be set forth in the application for a grant
12 submitted to the department. However, in recognition of the fact
13 that raising private funds frequently requires an initial evidence of
14 matching public funds, the certification of the source and amount
15 of the private funds shall be made by the applicant at least 30 days
16 prior to actual release of state funds.

17 (f) Local matching money may not be required with respect to
18 an applicant that has urgent unmet needs for recreational lands or
19 facilities, and lacks the financial resources to acquire or develop
20 recreational lands or facilities, as determined pursuant to a
21 formula set forth in regulations adopted by the director after a
22 public hearing. In addition, with respect to applications for grants
23 submitted for areas where private financial resources are of limited
24 availability or submitted for projects or programs that are not of
25 a type likely to attract private funds, the director shall, if the project
26 conforms to regulations adopted by the department, waive the
27 requirement that at least one-third of local matching money be
28 from private sources. The regulations shall establish criteria and
29 procedures for the waiver. These criteria may provide for
30 consideration of the average per capita income, unemployment
31 rate, crime rate, and recent history of plant or business closures in
32 the area of the applicant's jurisdiction where the grant will be
33 expended.

34 (g) The local matching money requirement under subdivision
35 (c) does not apply to grants from funds made available pursuant
36 to the California Clean Water, Clean Air, Safe Neighborhood
37 Parks, and Coastal Protection Act of 2002 (Chapter 1.696
38 (commencing with Section 5096.600)).

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